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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29TH DAY OF MAY 1998

B E F O R E

THE HON'BLE MR.JUSTICE K.H.N. KURANGA
CIVIL REVISION PETITION NO.980 OF 1998

Between:

Shivajirao,

Son of Balaram Haibatti,

Aged about 52 years,

Occupation:Business,

Residing at Maratha Colony,

Tilakwadi,

Belgaum.

.. Petitioner

(By Sri.K.Giridhar, Advocate for petitioner)

And:

1.The Commissioner,

Corporation of the City of

Belgaum,

Risaldar Galli, Belgaum.

2.Subhash, son of

Wamanrao Kulkarni,

major, Occupation: Agriculture &

Legal Practitioner,

- 2 -

Residing at C.T.S.No.1590,
Maruti Galli,
Belgaum.

.. Respondents

-

Civil Revision Petition is filed U/s.
115 of CPC against the order dated 7.3.1998
passed in O.S.No.281/1997 on the file of the
I Addl.Civil Judge (Jr.Division), Belgaum.

This Civil Revision Petition coming on for
admission this day, the Court made the following:

O R D E R

The petitioner is the 2nd defendant in the
suit O.S.No.281/97 pending on the file of the
I Addl.Civil Judge, Jr.Dn., Belgaum. He has in
this petition challenged the order passed by the
Court below dismissing I.A.No.7 filed by the
petitioner.

The 2nd respondent herein who is the
plaintiff in the suit filed I.A.No.5 for amendment
of the plaint. It was allowed by the Court below.
The petitioner challenged the said order in
CRP No.979/98. This Court has dismissed the same
just now. The plaintiff did not carry out the

- 3 -

the amendment. Therefore, the petitioner-2nd defendant filed I.A.No.7 requesting the Court not to permit the plaintiff to carry out the amendment. The said application has been dismissed by the Court below.

The Court has observed in the order that for carrying out the amendment, the case was fixed on 6.1.1998. No specific date for carrying out the amendment was fixed in the order passed on I.A.No.6. The Court has also observed that since the vacation intervened, though the Counsel for the petitioner was ready to amend the plaint, he could not amend the same. In the circumstances, the order passed by the Court dismissing the application-I.A.No.7 is proper and it is not a fit case for admission and the petition is liable to be dismissed and accordingly, it is dismissed.

Sd/- Judge.

Ms

R.By: 

C.By: 

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001


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